

Remarks

This amendment amends claim 1 in a fashion somewhat similar to that proposed by the amendment dated August 22, 2004. It is submitted that claim 1 differentiates itself from the prior art.

With respect to the double-patenting rejection, the Examiner has not provided the Applicant with a proper rationale for this rejection. Also, the rejection is confusing. For example, is claim 1 being provisionally rejected based on claim 1 of 09/972,441? Is that claim also being independently rejected based on each and every claim of 09/972,441? As things stand, the Applicant has not been advised regarding which claim is rejected for what reason. As to the admitted differences, the Examiner either needs to cite prior art to support his contention or the place his contentions into affidavit form as required by 37 CFR 1.104(d)(2) – as the Applicant hereby requests.

Furthermore, it is believed that the amendments made herein further distinguish the claims of this application from those of 09/972,441. It is also noted that 09/972,441 has been allowed over the Japanese document cited by the Examiner against the claims herein. It is believed that the present claims are distinguished from the allowed claims of 09/972,441 and that both the allowed claims of 09/972,441 and the present claims are patentable over the cited Japanese document.

The Commissioner is authorized to charge any additional fees, which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this correspondence is being deposited with the United States Post Office with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents  
PO Box 1450, Alexandria, VA 22313-1450 on

December 21, 2004

(Date of Deposit)

Corinda Humphrey

(Name of Person Signing)



December 21, 2004

(Date)

Respectfully submitted,



Richard P. Berg  
Attorney for Applicants  
Reg. No. 28,145  
LADAS & PARRY  
5670 Wilshire Boulevard,  
Suite 2100  
Los Angeles, California 90036  
(323) 934-2300

Amendments to the Drawings

The attached sheet of drawings includes changes to Fig. 1. This sheet, which includes Fig. 1 replaces the original sheet including Fig. 1. In particular, a legend – Prior Art – has been added, as the Examiner suggests.

Enclosure: Replacement Sheet